

**RULES AND OPEN GOVERNMENT COMMITTEE**

Meeting Report  
August 22, 2007

**PRESENT:** Mayor Reed, Vice Mayor Cortese, Councilmembers Chirco, and Constant

**ABSENT:**

**STAFF:** Assistant City Attorney Bill Hughes, City Clerk Lee Price, City Manager Debra Figone, Redevelopment Agency Director Harry Mavrogenes, Agenda Manager Nadine Nader, Deputy City Manager Deanna Santana, Deputy City Manager Dan McFadden and Mayor Council Agenda Manager Alicia Bosco.

**A. City Council**

**1. Review August 28, 2007 Final Agenda**

- a. Urgency Ordinance re: Dead or Dying Tree Replacement  
Documents Filed: Memorandum from Councilmember Constant dated August 16, 2007 recommend staff to draft an urgency ordinance removing the requirement of an appeal hearing for tree removal permits that involve diseased tulip trees in District 1 where the tree is dead or dying.

Discussion: Councilmember Constant gave a brief explanation of a significant problem with dead and diseased trees in District 1 and argued in support of addressing this issue quickly. Director of Transportation Jim Helmer mentioned that there would be a protest hearing held on August 28, 2007 concerning this matter. City Arborist Ralph Mize summarized the current situation and responded to questions. Councilmember Constant argued that the City policy for removing trees does not pertain to this situation and added that there are many people in District 1 waiting to have this problem dealt with. City Attorney Rick Doyle advised that if there is an immediate threat to public safety the trees may be able to be removed without going through a formal process. Councilmember Constant requested that this item be placed on the September 11, 2007 Council agenda.

Action: The Committee agreed to put this item back on the Committee's agenda for September 5, 2007 and asked staff to report back on progress made on this matter at that time.

Action: The Committee approved the following additions to the June 28, 2007 Council Agenda:

- Presentation of a proclamation declaring September 2 through September 8, 2007 as “National Payroll Week” in the City of San Jose. (Mayor/Nguyen)
- Presentation of a commendation to Lauren Bryeans, April Grolle and Lauren Chief Elk. (Campos)
- Request for an excused for Councilmember Pyle from the Regular City Council Closed Session on August 21, 2007, due to the death of a close family member. (Pyle)
- Acceptance of the Office of the City Auditor’s Report. (Auditor)
- 11.2 Consideration of items related to North San Jose and an ordinance rezoning the real property located on the southeast corner of Zanker Road and River Oaks Drive. Recommendation: (a) Approve the work plan for the North San Jose Neighborhoods Planning Taskforce. (b) Appoint the North San Jose Neighborhoods Planning Taskforce.

**2. Review of September 4, 2007 Draft Agenda**  
None-Meeting Canceled.

**B. Redevelopment Agency**

**1. Review August 28, 2007 Final Agenda**

Action: The Committee approved the August 28, 2007 Redevelopment Agency Final Agenda.

**2. Review September 4, 2007 Draft Agenda**  
None-Meeting Canceled.

**3. Assign “Time Certain” for convening Redevelopment Agency Agenda**

**C. Legislative Update**

**1. State**

**(a) SB 264 (Alquist) – Transaction and use Taxes**

**AB 444 (Hancock) – Motor Vehicle Registration Fees**

Document Filed: Memorandum from James R. Helmer, Director of the Department of Transportation dated August 16, 2007 recommend support position for SB 264 (Alquist) and AB 444 (Hancock) with a one-week turnaround.

Action: The Committee approved a support position of SB 264 (Alquist) with a one-week turnaround to Council for review and directed that AB 444 (Hancock) return to the Rules and Open Government Committee for further discussion on August 29, 2007.

**(b) SB 375 (Steinberg) – Regional Preferred Growth Scenarios**

Document Filed: Memorandum from Joseph Horwedel, Director of Planning, Building and Code Enforcement dated August 17, 2007 recommend an oppose position of SB 375 (Steinberg) and recommend that it be made a two-year bill to allow the City and other affected agencies to continue to work towards resolving the serious problems associated with the current bill and a one-week turnaround for Council review.

Action: The Committee approved to take an oppose position on SB 375 (Steinberg ) and recommend that it be made a two-year bill to allow the City and other affected agencies to continue to work towards resolving the serious problems associated with the current bill and a one-week turnaround for Council review.

**(c) (2007 League of California Cities Resolutions**

Documents Filed: Memorandum from Betsy Shotwell dated August 16, 2007 approve the recommended City positions for four (4) resolutions to be considered at the Annual League of California Cities (LOCC) Conference to be held in Sacramento, September 5-8, 2007 with a one-week turnaround to council for review.

Action: The Committee approved the recommended City positions to be considered at the Annual League of California Cities with a one-week turnaround for Council review.

**2. Federal**

None.

**D. Meeting Schedules**

**1. Scheduling of Council Appointee Reviews**

Documents Filed: Memorandum from Mayor Reed dated August 16, 2007 recommend that the City Attorney add performance reviews to Council Closed Session meeting agendas.

Action: The Committee approved the addition of performance reviews on the Council Closed Session meeting agendas.

**2. Approve Redevelopment Agency Board Budget Study Sessions:**

**(1) Redevelopment Agency Study Session on the FY 2007-08 Redevelopment Agency Capital Improvement Budget on September 6, 2007 from 9:00 a.m. – Noon; (2) Redevelopment Agency Study Session on San Jose McEnery Convention Center Expansion on November 13, 2007 from 8:00 a.m. – Noon.**

Documents Filed: Memorandum from Harry Mavrogenes dated August 16, 2007 request approval of two proposed study sessions: (1) FY 2007-08 Redevelopment Agency Capital Improvement Budget on September 6, 2007 and (2) San Jose McEnery Convention Center Expansion on November 13, 2007.

Action: The Committee approved the proposed meeting schedule.

**E. The Public Record**

Document Filed: Memorandum from Lee Price, City Clerk, dated August 16, 2007 transmitting the Public Record for the week of August 3-15, 2007.

Action: The Committee noted and filed the Public Record.

**F. Appointments to Boards, Commissions and Committees**

**1. Arts Commission Appointment**

Documents Filed: Memorandum from Councilmember Williams and Liaison to Arts Commission dated August 15, 2007 recommend City Council appoint Bobby Yount to fill an unexpired term, which will end on June 30, 2009 on the Arts Commission.

**G. Rules Committee Reviews, Recommendations and Approvals**

**1. Proposal for a citywide inclusionary transit-oriented housing policy**

Action: The Committee deferred this item to September 5, 2007.

**2. Discussion of the decision to join the City of San Francisco in the Amicus Brief regarding California Supreme Court Case No. S147999 re: the constitutionality of same sex marriages**

CONTINUED FROM JUNE 20, 2007, DEFERRED FROM AUGUST 15, 2007

Action: The Committee dropped this item.

**3. Referral of an Audit of the Emergency Communications Center**

Documents Filed: Memorandum from Gerald Silva, City Auditor dated August 13, 2007 referral of an audit of the emergency communications center.

Action: The Committee approved the recommended audit referral.

**4. Discussion of audit and follow up of alternatives for maintaining service levels of History Park Compliance with Mayor's Budget Addendum #4**

Documents Filed: Memorandum from Kay Winer dated August 20, 2007 accept report on History San Jose's requests for additional funding, including: (1) status of audit conducted by Macias Consulting; (2) Council's response to past request; (3) response to current request for emergency funding by advancing quarterly payments for the next two quarters.

Discussion: Kay Winer presented the staff report and proposed alternatives. Mayor Reed suggested that an audit be conducted to determine: (1) the cost to operate the facility; (2) the costs to maintain it; and (3) how money is spent. Vice Mayor Cortese suggested staff prepare Alternative #1 for Council review.

Public Comment: Alida Bray, President/CEO of History San Jose, spoke in favor of Alternative #1.

Action: The Committee directed staff to prepare Alternative #1 for Council consideration September 11, 2007.

**H. Review of additions to Council Committee Agendas**

**1. Community and Economic Development Committee**

None.

**2. Neighborhood Services and Education Committee**

- **Add item entitled, "Grants Policy and an Emergency Grants Policy and Procedure" to the September 13, 2007 agenda**

Documents Filed: Memorandum from Mark Linder, Deputy City Manager dated August 14, 2007 requesting an item added to the September 13, 2007 Committee agenda.

Action: The Committee approved addition to the September 13, 2007 Neighborhood Services and Education Committee agenda.

**3. Transportation and Environment Committee**

**4. Request for Transportation and Environment Committee Workplan**

None.

**I. Open Government Initiatives**

**1. Reed Reforms**

**2. Sunshine Reform Task Force**

**3. Significant Public Records Act Requests**

**4. Council Policy Manual Update**

None.

**J. Open Forum**

None.

**K. Adjournment**

The meeting was adjourned at 3:53 p.m.



Chuck Reed, Mayor

Rules and Open Government Committee